

APPROVED: 10-93

ATTEST: *Paula S. Jewell*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 09-93

March 22, 1993

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on March 22, 1993, at 7:35 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

ABSENT

Councilmember David Robbins (Sick Leave)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Councilmember Krasnow introduced cub scouts from Den 6, Pack 1427, who had earlier met with their elected officials in order to earn merit badges.

Re: City Manager's Report

1. The kick-off for the 1993 Hometown Holidays celebration was held this past Saturday with sponsoring groups, businesses and individuals attending. The meeting was very upbeat, and this year's event will include new features, such as a business showcase.

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2. The annual Fritzbe's Run will take place on Sunday morning. Considerable time has been spent in preparation for the Run in order to accommodate affected pedestrians and motorists.

3. This coming Sunday at 4:00 p.m., there will be a rededication of the Civic Center Mansion as "Glenview Mansion at the Rockville Civic Center Park."

4. Item No. 18 on this evening's agenda is a discussion of Senate Bill 507 which proposes to transfer to the State the costs of administration, maintenance and operation of local boards of supervisors of elections. The City Clerk learned late this afternoon that this bill was defeated in committee.

It was agreed that this item would be deleted from the agenda.

5. Today, the City is issuing the **City of Rockville Dining Guide**, a new publication of the City's Economic Development Division, which features all dining and eating out opportunities within the City.

In response to Mayor Duncan, the City Manager advised that this publication would be widely distributed in the community, with the assistance of the Chamber of Commerce, at places of business, hotels and motels. Mayor Duncan requested that it also be included in the new resident packets and that information concerning its availability be mentioned in **Rockville Reports**.

6. This past Friday night, the Community Action Team of East Rockville celebrated its third anniversary. Approximately 60 people attended, including representatives from Hispanics United for Rockville, NAACP, Lincoln Park Civic Association, City Government and County Police. It was an impressive evening which included a commemorative march.

Re: Citizens Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

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1. Tom Curtis, 2519 Lindley Terrace, commended the City's Public Works employees for their excellent efforts in clearing the streets during last week's snowstorm. By Saturday night, the streets were passable, and he feels these employees are owed a debt of gratitude.

Mayor Duncan responded that, at last Monday night's meeting, it was mentioned that every street in Rockville, including dead-ends and cul-de-sacs, had been plowed by Saturday night.

2. Dan Fahey, 1114 Edmonston Drive, referenced the efforts of Rockville Center, Inc. to rebuild Rockville. He is concerned that a plan has already been established and feels that the business people are telling residents what they want in their downtown. He does not want to see a situation in which the City may not be usable, as desired. He offered several suggestions, including the need for child care facilities and sick child care facilities in the City; the possibility of connecting Route 28 in Maryland with Route 28 in Virginia to attract people to Rockville; painting the parking garage white to improve aesthetics; and ensuring adequate restroom facilities.

Mayor Duncan noted that in terms of citizen input and participation, the property owners have been going out to the Chamber of Commerce, civic associations, service clubs and other groups to present their plans and to seek comments and input from a variety of interested individuals. The plans have changed as a result of concerns expressed about the size of the garage, open space, and plans for Middle Lane. Everyone involved is making an effort to secure public comment, and the record will be extended for 30 days from the date the agreement is finalized.

There being no other citizens wishing to be heard, the Mayor closed the Citizens Forum portion of the meeting.

Re: Presentation by Rockville Center, Inc. in response to issues raised at the February 23, 1993, public hearing on

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the Transition and
Development Agreement for
the Rockville Center
redevelopment project.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, it was agreed that the public hearing record on the proposed agreement providing for the transfer to Rockville Center, Inc. of the property owned by the Mayor and Council of Rockville below the structure known as the "Rockville Metro Center" consisting of the parking garage and certain retail operations located adjacent to the garage parking areas would be left open for an extended period of time, that is, 30 days from the date the agreement is finalized.

Larry Shulman, attorney for Rockville Center, Inc., indicated that RCI is providing an interim report on their progress and noted that they are determined to make Rockville Center a community project. In their efforts to reach out to the community for comments and opinions, they are taking this opportunity to respond to the thoughtful and intelligent opinions that were raised at the public hearing. Rockville Center can be successful only if it is responsive to the market conditions and to the community. Three major issues were identified to be addressed in greater detail:

1. The 1000-car garage. Concern was expressed that the size of the garage may create difficulties in locating your destination in the buildings to be constructed above.
2. Middle Lane. The issue of this area being pedestrian friendly was raised. RCI's advisers indicate that the area can only sustain 150,000-170,000 square feet of retail, and none has been planned for Middle Lane. However, the facade of Middle Lane will be attractive.
3. Need for public/gathering space. RCI envisioned gathering space, but details had not been fully expressed.

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Bill Hellmuth of HOK Architects discussed RCI's plans in response to input received from residents, citizen groups and business owners.

With respect to item 1, RCI has modified the original plan to construct four or five separable garages rather than one large garage. Each garage would have its own ramping system in order to eliminate confusion. This plan would create flexibility for the developer to meet the needs of future tenants and would enhance the marketability of the project.

Today, Middle Lane is the service end of the development. The plan proposes to remove parking along Middle Lane. Entrances and exits for service would be off the side streets, not Middle Lane. There would be head-in and head-out loading docks which would provide maneuvering space and facilitate a pedestrian-friendly environment. Middle Lane also would lend itself to a possible area for a one-stop government center, including offices for utilities such as PEPCO and WSSC.

Regarding enhancement of public/gathering spaces, three distinct but connected spaces are envisioned: a new Courthouse Square; a Center Plaza in the middle; and Metro Plaza on the end. Center Plaza, approximately one acre in size, would feature arcaded buildings lining both sides of the area. This area could easily be blocked off for special events. The new Courthouse Square would be expanded to an acre and could serve as a performance area with the gazebo and pavilion. The wall in front of the Red Brick Courthouse would be relocated but would retain the same character. At the far end is Metro Plaza, 45,000 square feet in size, which represents a third type of space. Although the spaces are linked together, each space has its own character.

Mr. Hellmuth concluded by indicating that this is an ongoing process and the project has improved as a result of community involvement and comments. The success of the project is dependent upon RCI's ability to respond positively to input received.

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With respect to the separate garages, Councilmember Krasnow asked for clarification as to whether the type of building to be constructed above must be defined. Mr. Hellmuth noted that, with one large garage, you have to predict what the buildings are going to be at the time the garage is constructed. The plan for separable garages, however, allows flexibility in building and ensures the most effective space for the tenant/user.

As to whether PEPCO, WSSC or other utilities have been approached with respect to interest in office space on Middle Lane, Mr. Shulman responded that no discussion with potential tenants has taken place to date. They are concentrating their efforts on completing the agreement and meeting with state and county officials on the issue of funding.

Councilmember Coyle commented that the developer on the other side of Middle Lane conceptually foresees retail on the ground level and asked if, at some point, retail could work on Middle Lane given the earlier comments that no retail is planned for the area. Mr. Shulman responded that the East Montgomery Avenue frontage calls for approximately 160,000 square feet of retail, most of which would be movie theaters and restaurants; however, some type of retail on Middle Lane could be considered. Mr. Hellmuth emphasized that it is important to have retail that is realistic and viable on Middle Lane in order to complement a pedestrian-friendly environment.

With respect to the head-in, head-out loading docks, Councilmember Krasnow questioned whether there would be enough space for trucks to maneuver if on-street parking is allowed on Center and Monroe Streets. Mr. Hellmuth responded affirmatively, indicating that this works in many cities and urban areas. Discussion followed regarding the elevation of parking on Middle Lane.

The original plan did not provide for an arcade-type structure in the retail area, and Councilmember Krasnow expressed concern in view of problems with arcade-type buildings on North

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Washington Street. Mr. Hellmuth responded that what is being proposed is an arcade that will work extremely well. Continuity is required for an arcade to work, and if the sidewalk is made a little narrower, people will walk in the protected area and the arcade functions as the sidewalk.

In response to Councilmember Coyle, Mr. Hellmuth explained that the trees which will line Center Plaza will not conflict with the open atmosphere desired. It is an issue of tree selection, and they are proposing a variety that is branched up high, forming an extension of the arcade/canopy.

Councilmember Marrinan asked how these proposed changes would be shared with the public to invite input and also questioned how this would impact the agreement being developed, especially insofar as the garage is concerned.

Mr. Shulman responded that the agreement provides flexibility for the separate garages to be built as opposed to a single garage. In terms of the requirement to provide 1000 parking spaces, this remains unchanged.

Once the agreement is finalized, Mayor Duncan stated that copies would be distributed to interested individuals. Also, information would be provided in the City newsletter explaining the public space concept.

In response to concerns expressed by Councilmember Krasnow, Mr. Hellmuth described their concept of using landscape berms for garden or terrace parking.

As to the entrance and exit for parking for the retail pavilion, Mayor Duncan was advised that there are certain options being explored and further study will be done.

In response to Mayor Duncan, Mr. Hellmuth stated that Truck Street can service the future retail pavilion. Discussions have been held with County officials and ideas are being explored to ensure that the County's buildings do not face a brick wall.

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The City is negotiating with Montgomery County to acquire the parcel at the northwest corner of Jefferson Street and Maryland Avenue which would provide more green space and facilitate the widening of Maryland Avenue.

Mr. Shulman thanked the Mayor and Council for their support. Insofar as the status of public sector funding for the project is concerned, the County Council PHED Committee, by a 3-0 vote, supports the project over a two-year period for \$6 million. Subsequently, it went to the entire County Council and, by a 6-2 vote, was approved in concept. However, funding for the project has not yet been approved. Clarification was provided that the County Council supports the plan conceptually and plans to deal with funding at a later time.

Mr. Shulman stated that the City, RCI and the Rockville Chamber of Commerce have appeared before the Senate Budget and Taxation Committee and House Appropriations Committee and were well received by both. Governor Schaefer has recommended changing the bond bill from the requested \$6 million to \$2 million in FY94 contingent upon matching amounts from the City and County.

Mayor Duncan stated that he believes the City has strong support for this project in the County Council, and it is important to concentrate on efforts to secure a County appropriation.

Mr. Shulman advised that RCI has tried to be responsive and will continue to listen to ideas. They view this as a "community project" and are interested in hearing comments from the public.

Mayor Duncan expressed appreciation to Mr. Shulman and Mr. Hellmuth for their presentation. At this time, the Mayor and Council heard from citizens who wished to comment on the presentation.

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David Brown, 5809 Nicholson Lane, reiterated his concerns expressed at the February 23 public hearing, that is, what would draw tenants to Rockville Center. He indicated there is currently a glut of residential and office space and no more is needed right now. Mr. Brown also commented on the Planning Commission's role in this process.

Mayor Duncan responded that nothing is going to be built until there are tenants with signed leases. Land will be developed when tenants are ready to come in. Users of large amounts of office space have been identified through GSA and major corporations. In the Washington metropolitan area, there are 20-30 RFPs for 300,000 plus or minus square feet of office space every year. Blue Cross-Blue Shield was interested in locating at this site and NIH is interested in the Foulger-Pratt site.

Mayor Duncan indicated that Planning Commission was brought in earlier and had been fully briefed. They will be initiating their normal review process once the agreement is approved. The Mayor and Council is involved only because of the garage which was built in an urban renewal area. The Charter requires that the Mayor and Council hold a public hearing on disposition of this property.

Dan Fahey, 1114 Edmonston Drive, commented that computer simulation models may be helpful in visualizing plans for this type of project.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Paul Douglas was appointed to fill the unexpired term on the Board of Appeals, which term expires in April 1994.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Alice Kelly was appointed to a one-year term as Chairperson of the Historic District Commission.

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Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Dennis Cain and William Meyer were reappointed to two-year terms on the Traffic and Transportation Commission.

Re: Approval of Minutes

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the minutes of Meeting No. 07-93 (March 8, 1993) were approved, as written.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 08-93 (March 15, 1993) were approved, as amended.

Re: Consent Agenda

Councilmember Coyle requested the removal of Item A from the Consent Agenda, Councilmember Krasnow asked that Item B be removed, and Councilmember Marrinan requested the removal of Item H. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the following Consent Agenda Items were approved:

- C. Award of Bid No. 70-93, Tree Pruning, to Cole Landscape of Silver Spring, Maryland, for the low bid amount of \$52,130.

This is a requirements contract for service effective for the period of July 1, 1993, through June 30, 1994, with two one-year option periods. Sufficient funds have been budgeted for this award.

- D. Award of Bid No. 72-93, Tree Removal Service, to Timberline Tree Experts, for the low bid amount of \$21,680.

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This is a requirements contract for service effective from April 1, 1993, through June 30, 1994, with two one-year option periods. Sufficient funds have been budgeted for this award.

- E. Award of Bid No. 73-93, Municipal Lawn Mowing, to Facility Service Company of Maryland, Inc., for the low bid amount of \$67,071.

This is a requirements contract for municipal lawn mowing and is effective for the period of April 1, 1993 through November 30, 1993, with two eight-month option periods. Sufficient funds have been budgeted for this award.

- F. Award of Bid No. 76-93, Planting Trees and Shrubs, to C & C Farms, Inc. of Damascus, Maryland, for the low bid amount of \$36,299.

Sufficient funds have been budgeted for this award.

- G. Award to Eyre Tour and Travel, Inc. for Senior Northeast Passage Fitness Cruise on June 20-27, 1993, in the amount of \$34,300.

Forty-nine seniors will be participating. All costs of the trip, including staff leadership, will be covered by participant fees. Sufficient funds have been budgeted for this award.

- I. Introduction of Ordinance to levy special assessments for the Wootton Parkway Pavement Project (No. 1D11).

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The City completed the road project connecting the intersection of Ritchie Parkway and Seven Locks Road with the intersection of Hungerford Drive and First Street.

- J. Introduction of Ordinance to levy special assessments for Water Main Project No. 4A33, which was required to complement the Wootton Parkway Pavement Project.
- K. Receipt of financial reports summarizing the results of City operations for the period from July 1, 1992, through February 28, 1993.

Re: Award of Request for Proposal No. 66-93 to CIGNA Life Insurance Company of North America in the amount of \$80,100 for basic life insurance for City employees. In addition, supplemental life insurance is recommended for award at the same base rate which is paid in full by employees.

Sufficient funds have been budgeted for this award.

Councilmember Coyle had requested removal of this item from the Consent Agenda to congratulate the City Manager and staff for securing such a favorable rate for life insurance, with a cost savings of \$25,000. The City provides its employees with good benefits at the lowest possible cost to the taxpayers.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Request

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for Proposal No. 66-93 was awarded to CIGNA Life Insurance Company of North America in the amount of \$80,100 for basic life insurance for City employees.

Re: Award of Request for Proposal No. 67-93, Fireworks Productions for Hometown Holidays, Independence Day and Rotary Twilight Runfest, to Vitale Pyrotechnic Industries for the bid amount of \$41,000.

Sufficient funds have been budgeted for this award.

Councilmember Krasnow noted that she does not feel that fireworks are an essential component of the Rockville Rotary Runfest. While the survey indicates that participants like the fireworks, she believes that people would come to the event even if fireworks were not part of the program.

Staff responded that the Runfest portion of the bid is approximately \$3,000. The fireworks received the highest mark of all the items in the Runfest survey in terms of approval ratings.

Councilmember Marrinan was advised that there would be no adverse impact on the Hometown Holidays program if this portion of the bid were omitted.

The timing of the three fireworks productions was raised by Councilmember Krasnow, noting that the Independence Day and Rotary Runfest fireworks occur within the same month. Once again, people would come even if fireworks were not included in the Rotary Runfest program.

Mayor Duncan responded that the laser show and fireworks make Hometown Holidays a more spectacular event. The fireworks at the Runfest begin when the first person in each category crosses the finish line, thus giving notice to the other runners that someone has finished. The

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fireworks are an enhancement and, while people may still attend if there were no fireworks, he would like to include them in view of the results of the survey.

Councilmember Marrinan commented that, while there is not a great deal of money involved, there are a number of groups addressing very important social needs and \$3,000 would be significant to them. If a choice were to be made, he would like to see the funds used in a different way.

Mayor Duncan commented that the money for this bid has been budgeted in FY93. As a compromise, he suggested deleting it in future years. The City also received a refund for a portion of last year's Hometown Holidays fireworks.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Request for Proposal No. 67-93, Fireworks Productions for Hometown Holidays, Independence Day and Rotary Twilight Runfest, was awarded to Vitale Pyrotechnic Industries for the bid amount of \$41,000, and staff was instructed to delete the Rotary Twilight Runfest fireworks from FY94 and subsequent years' bids.

Re: Approval of grant of an easement to C & P Telephone Company for the installation of an underground vault to house a fiber optic system on a tract of City-owned land located near the intersection of South Fallsmead Way and Wootton Parkway.

If approved, the City Manager would be authorized to sign a Deed of Easement which has been reviewed by the City Attorney.

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Councilmember Marrinan had requested that this item (H) be removed from the Consent Agenda to ensure that the residential community would be notified about this installation. The City Manager responded that this would be taken care of.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the C & P Telephone Company was granted an easement to install an underground vault to house a fiber optic system on a tract of City-owned land located near the intersection of South Fallsmead Way and Wootton Parkway, and the City Manager was authorized to sign a Deed of Easement to this effect.

Re: Motion appointing Paula S. Jewell as City Clerk effective April 1, 1993.

Councilmember Coyle noted how fortunate the City is that Ms. Jewell accepted the position of City Clerk. Mayor Duncan advised that Ms. Jewell could not be present this evening as she was attending a meeting with the Takoma Park City Council.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Paula S. Jewell was appointed City Clerk effective April 1, 1993.

Re: Adoption of Resolution to authorize signatures for City bank accounts.

This resolution designates Bruce Romer, City Manager, and Paula S. Jewell, City Clerk, as authorized signatories on the City's bank accounts effective April 1, 1993.

Resolution No. 10-93

Upon motion of Councilmember Coyle, duly seconded and unanimously passed,

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Resolution No. 10-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to designate Bruce Romer, City Manager, and Paula S. Jewell, City Clerk, as authorized signatories on the City's bank accounts effective April 1, 1993.

Re: Approval of Waiver No. 7-93 of on-site stormwater management for construction of a single family home at 730 Carr Avenue in the Watts Branch drainage area (Lot 43, Block 15, West End Park) and acceptance of a \$2,000 contribution to the SWM fund.

The runoff from the site is conveyed to the Wootton Mill Park SWM Facility, which is authorized for construction in FY95. (Waiver Category: II-A-1)

Councilmember Krasnow asked if it is still the City's goal to have the Wootton Mill Park SWM Facility constructed in FY95, and staff responded that the goal is actually FY96.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Waiver No. 7-93 of on-site stormwater management for construction of a single family home at 730 Carr Avenue in the Watts Branch drainage area (Lot 43, Block 15, West End Park) was approved and a contribution of \$2,000 to the SWM fund accepted.

Re: Adoption of Resolution to grant Parking Requirement Reduction, Foulger-Pratt Development, Inc., Applicant.

The Applicant has requested

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Mayor and Council approval of a 10% reduction (101 spaces) in the number of parking spaces required for Phase I of an office and commercial development at Hungerford Drive and Middle Lane. The Planning Commission granted a 30% reduction of the parking requirement in connection with their approval of Applicant's Use Permit Application U-502-93.

Resolution No. 11-93

The Director of Community Development advised the Mayor and Council that the requested additional ten percent (10%) parking reduction is justified on the basis of common patrons and non-overlapping peak parking needs of the uses within the building or buildings; the proposed Phase I development is within a 1500 foot walking distance of a Metro transit station; 80% of the Phase I development is proposed to be under the control of a single tenant and includes implementation of an approved major parking management plan.

The Planning Commission has granted a 30% reduction for Phase I of the development, and staff recommends approval by the Mayor and Council of the additional ten percent reduction from the parking requirements.

Councilmember Coyle raised the issue of what guarantees there are that, with a traffic management plan, a 40% reduction in parking requirements would be achieved.

Staff recommends that the second phase of development not be approved unless Phase I meets the parking test. There is an advantage to phasing in development. Empirical evidence suggests that programs put in place with other federal agencies have achieved the desired results. It

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was noted that if the requirement that 80% of the development be under the control of a single tenant does not materialize, the building would not be constructed as planned. Modification of the use permit would be required.

As to how you ensure that a certain percentage of employees use mass transit similar to the National Regulatory Commission operation at White Flint, Councilmember Coyle was advised that a specific written agreement among all parties would be initiated. Specific standards for trip reduction will be cited in the agreement.

Councilmember Coyle noted that we will be asking the developer to make a number of improvements at critical intersections as part of the development and questioned how to integrate these requirements with the redevelopment of the Rockville Mall site.

There are no physical mitigations required for Phase I and no physical intersection improvements. However, a traffic demand management plan has to be put in place. The significant impact would occur once Phase II comes on line. The Planning Commission will identify mitigation measures which will be conditioned as part of the approval.

The traffic demand management programs are assured for ten years, and Councilmember Marrinan asked what would occur beyond the ten years. Staff responded that ten years is the period of time when assurance needs to be provided, usually in the form of a bond or letter of credit. After ten years, the good faith demonstrated by the developer and tenants no longer requires assurance; however, the program remains a requirement.

Councilmember Marrinan discussed integration of development of the two projects and the fact that the traffic demand management program will require a great deal of effort. Staff responded that there are a variety of ways this can be achieved dependent upon the timing schedule and different funding proposals.

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Councilmember Krasnow noted that concern has been expressed by citizens regarding traffic congestion. It is important to point out that RCI's transportation analysis does consider the Foulger-Pratt development site at full build-out. When the streets involved with the RCI proposal are put in, this will actually improve accessibility for the foreseeable future. The RCI project will be phased in over 10 years; the City is not suddenly going to have 20,000 more people in downtown.

Councilmember Krasnow noted that the Phase I staff report shows spaces for 305 compact cars and, in view of the pending text amendment to designate uniform parking spaces, what impact would this have on the spaces. Mr. Herst advised that although more ground may be used to create the new standard 9 x 18 parking space, the number of parking spaces will not be affected.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Resolution No. 11-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to approve the request for an additional ten percent parking requirement reduction for Phase I of the Foulger-Pratt Development on Hungerford Drive.

Re: Approval of 1993 fees for Redgate Golf Course. It is proposed to raise daily fees by \$.50 per nine holes and fees for passholders by a corresponding percentage amount of 6.5%.

The 1993 Redgate Golf Course fee proposal meets four vital criteria: covers all operating expenses; provides contributions to the course's CIP fund; maintains parity with other public courses; and continues Redgate's exceptional conditioning mission.

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The proposed fees which would become effective on April 1, 1993, are as follows: City residents would pay \$14 weekdays and \$15 weekends for 18 holes; non-city residents would pay \$16.50 and \$18, respectively. Burt Hall, Director of Recreation and Parks, advised that the fee increase requested is modest and meets five operating goals:

- o covers operating costs;
- o contributes a minimum of \$100,000 to Redgate's CIP fund;
- o is comparable to fees charged at other public courses in the area;
- o continues to provide Rockville residents with a reduced fee; and
- o continues to provide a golf course conditioned to exceptional standards.

Both the Redgate Golf Course Advisory Committee and the Recreation and Park Advisory Board recommend approval of the proposed fees.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the 1993 fees for Redgate Golf Course were approved.

Re: Approval of amendments to
City Pension Plan.

The City's Retirement and
Disability Board has
recommended several
modifications to update the
City's Pension Plan.

The City Manager reported that there are four elements in the recommended amendments: an annual cost-of-living adjustment for pension recipients; a change in eligibility for Fraternal Order of Police participants; option of purchasing credit for up to three years of government service; and a number of housekeeping amendments which do not involve any substantive changes.

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All of these amendments have been reviewed and recommended by the Retirement and Disability Board.

Councilmember Coyle questioned the purpose and effect of the purchase of prior government service was whether it was intended for someone who has worked at some other level of government. Staff responded that employees have requested this amendment in connection with military service. This benefit is especially attractive to police officers. It was determined that the City should be flexible about portability issues in the plan. Employees who purchase credit for prior service must pay the entire cost of the credit themselves and, therefore, it does not impact other employees or the taxpayers.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the modifications to the City's Pension Plan as outlined above were approved.

Re: Adoption of Resolution to establish voluntary rent increase guidelines for 1993-1994 of 2.3%.

This Resolution establishes a maximum rate of rent increase required under Chapter 18 of the Rockville City Code, entitled "Rental Housing Data Collection and Voluntary Rent Stabilization Guidelines" as required under Section 18-194.

Resolution No. 12-93

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Resolution No. 12-93, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, was adopted to establish voluntary rent increase guidelines for 1993-1994 of 2.3%.

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Re: Adoption of Ordinance to levy special assessments for driveway aprons constructed in fiscal year 1991 (Project No. 1T12). In response to requests from residents, the City constructed driveway aprons at 15 homes for a total cost of \$10,698.46.

Ordinance No. 05-93

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 05-93, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to levy special assessments for driveway aprons constructed in fiscal year 1991 (Project No. 1T12).

Re: Adoption of Ordinance to levy special assessments for driveway aprons constructed in fiscal year 1992 (Project No. 2B12). In response to requests from residents, the City constructed driveway aprons at 25 homes for a total cost of \$15,995.69.

Ordinance No. 06-93

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 06-93, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to levy special assessments for driveway aprons constructed in fiscal year 1992 (Project No. 2B12).

Re: Staff Presentation on Graffiti Issues.

This presentation will

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provide a discussion of the inter-departmental efforts of City staff to address graffiti-related issues. For the past year, the City has had a task force on graffiti and this report will include an account of their efforts.

The City Manager advised that Bob Goodin, Director of Public Works, has served as Chair of an inter-departmental Graffiti Removal Task Force and would update the Mayor and Council on the activities of the task force.

Eighteen months ago, the City Manager appointed the task force comprised of the directors of Police, Public Works, Recreation and Parks, Community Development, Inspection Services Division, and Community Services. The Citizen Service Request Coordinator, the City Attorney's Office and the Chamber of Commerce have also been active participants. The following outside agencies have also been involved: State Highway Administration, Montgomery County Public Schools, Metro, PEPCO, C & P Telephone, Montgomery Cable TV, the local Post Office and CSX Railroad.

A working definition of graffiti was developed, and the goal of the task force was defined as "to remove graffiti from outside public and private properties within 48 hours of reporting." Some of the participating outside agencies have adopted similar goals.

The following procedure was developed for handling graffiti:

- o Citizens report the location of graffiti to the Citizen Service Request Coordinator (CSR). The address is sent to the Police Department for review and photographs. Once this is completed, the appropriate agency is notified for removal (Inspection Services in the case of private property, Recreation and Parks for public buildings, Public Works for right-of-way clean-up, of one of the outside agencies).

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o Hate/Violence/Racial Graffiti is reported immediately to the appropriate agency, the City's Community Services Department and the County Human Relations Commission. This graffiti is removed or covered immediately.

o The State's Attorney's Office is cooperating with the City and signalling these cases before the judges as important to the City.

o City police are meeting with other law enforcement agencies on both enforcement and education matters.

There were 80 incidents of graffiti during the last year, with removal costs ranging from \$50 to over \$900 per incident, and a total cost of approximately \$8,000 to \$10,000.

In conclusion, Mr. Goodin indicated that the objectives of the task force are to be as proactive in all areas as possible, maintain contact with agencies and private owners and network for intelligence gathering, all toward the goal of prompt removal.

Discussion followed regarding facilitating reporting by citizens. Individuals are encouraged to call the Citizen Service Request Coordinator at 309-3309, the City Police at 340-7300, and after hours at 309-3020. Calling any of these numbers should generate a prompt response.

Councilmember Coyle asked how aggressive the program is insofar as working with other community groups is concerned. The City Manager responded that the primary focus is on removal and other follow-up measures. The City is also very much involved in general educational efforts throughout the school system, including topics such as the value of private property. The emphasis of the City has been the prompt removal of graffiti and vigorous enforcement.

Councilmember Coyle commented that staff has done a great job. He requested that the Mayor and Council be advised if support is needed for any more aggressive plans.

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Councilmember Krasnow was advised that there is a report available detailing where graffiti has occurred and has been removed. She agrees that prompt removal of graffiti is a deterrent and discourages further damage.

Mayor Duncan noted that this is a great program, and Rockville was one of the first jurisdictions in the area to have such a program. The City has a wonderful voice mail system, and he suggested creating a graffiti hotline. It could be publicized that, "if you see graffiti, call this number. . . ." Using technology to assist reporting efforts is important. It is also essential to provide feedback as to any arrests or convictions associated with graffiti. Finally, Mayor Duncan recommended that someone in the City ride Metro from Shady Grove to White Flint marking down where there is graffiti within the city limits.

Appreciation was expressed to staff for the presentation and their work on this serious issue.

Re: Discussion regarding Senate Bill 507, which proposes to transfer to the State the costs of administration, maintenance and operation of local boards of supervisors of elections.

The Mayor and Council have been requested by the City's Board of Supervisors of Elections to support the Montgomery County Board of Supervisors of Elections' position in opposition to this bill.

As was mentioned during the City Manager's Report, this bill was defeated in committee, and, therefore, the discussion was omitted from the agenda.

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Re: FYI/Correspondence

Freestate Gas Station Circulation

Councilmember Marrinan advised that this is a problematic intersection with a number of accidents and near accidents as reported by his wife who works nearby, and the cars backed up to get into the gas station exacerbates the situation. He suggested that consideration be given to installing a sign similar to the one located by the Flagship car wash prohibiting cars from queuing on Route 355. He also suggested contacting the gas station owner to see how this situation can be resolved to everyone's satisfaction.

Blizzard Cost Estimate

Staff was thanked for their excellent work, and Councilmember Marrinan noted the fact that there will likely be a 75% refund from the federal government of the \$109,000 cost incurred.

Summer Camp Registration

Councilmember Krasnow received feedback regarding the City's registration process. People arrive as early as 3:00 a.m. to wait in line to ensure they can register for the desired sessions. The staff has been wonderful about getting to City Hall early and letting people in. However, maybe we need to look at this system again. People were angry as they felt their safety was endangered when the City did not cancel the registration on the day it snowed. The County has gone back to the mail-in registration, and the problem could be avoided altogether by going back to a mail-in system. She requested a report on the pros and cons of this issue.

Mayor Duncan noted that letters had been received from people criticizing the City for opening up on March 13. If registration had been cancelled, there still would have been negative feedback. He was at City Hall that morning from 10:30 to 11:00 and had been out earlier that

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morning. The roads were not too slippery earlier and the registration closed at noon. However, the safety of individuals has to come first and, whatever is decided for the future, the City needs to make sure that safety is a priority.

The City Manager responded that a report would be provided on the alternatives.

Re: New Business

Report on Americans with Disabilities Act Compliance

This is an excellent report and Councilmember Marrinan congratulated staff on a job well done.

Maryland Avenue Sidewalk

Councilmember Marrinan was pleased with the results of this construction. There had been concerns expressed by residents, and he noted that the new walk is very attractive.

Banners

As a result of the recent snow storm, some of the banners circling the Americana Centre need to be straightened.

Re: Next Meeting

The next meeting of the Mayor and Council is a general session to be held on April 12, 1993, at which time the City Manager will present the FY94 Operating Budget and Capital Improvements Program.

Re: Adjournment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the meeting was adjourned at 10:15 p.m., to convene again in General Session on Monday, April 12, 1993, at 7:30 p.m., or at the call of the Mayor.